

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 874 of 2006

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Dated: 24-04-2006

Between:

Gaddam Narsaiah Goud and others.

..Petitioner.

and

The Metpalli Municipality, rep. By its Commsisioner, Metpalli, Karimanagar
DsitRICT and another.

..Respondents.

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No. 874 of 2006

ORDER:

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This petition is filed seeking a writ of mandamus to declare the action of

first respondent in not passing any orders and not taking any action on the representation of the petitioners regarding the illegal permission granted in favour of the second respondent in respect of their land admeasuring 0.3 guntas in Sy.No.1228 situated a Metpally Village and Mandal, Karimnagar District, as illegal and arbitrary.

The case of the petitioners is that they are the absolute owners and possessors of the land admeasuring 0.3 guntas in Sy.No.1228 . When the second respondent has been trying to interfere with their possession and enjoyment, the father of the first petitioner filed a suit O.S.No.44 of 1995 on the file of the District Munsif, Metpally for declaration of title and perpetual injunction and the same was decreed. While so, the petitioners made a representation dated 25-10-2005 to the first respondent making certain allegations against the second respondent in getting sanction permission for construction of house in Sy.No.1228, but the same has not been considered though it was received, vide inward No.1026 dated 26-10-2005. Hence, the writ petition.

Though notice has been served on the second respondent, none appears.

Having regard to the facts and circumstances of the case, in view of the specific allegations made by the petitioners with regard to the fraud said to have been played by the second respondent in making misrepresentations for getting sanction of the plan, it is just and proper to direct the first respondent to consider and dispose of the said representation dated 25-10-2005.

Accordingly, the writ petition is disposed of directing the first respondent to consider and dispose of the representation dated 25-10-2005, vide inward No.1026 dated 26-10-2005 after giving reasonable opportunity to the petitioners as well as the second respondent and pass appropriate orders in accordance with law. No order as to costs.

24-04-2006

Note: Issue CC by two days

(Bo)

sj